

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ADRIAN CARLTON,

Plaintiff,

v.

Case No. 2:04-cv-1
HON. R. ALLAN EDGAR

P. TURNER, et al.,

Defendants.

ORDER

On October 18, 2006, plaintiff Adrian Carlton filed a motion for summary judgment under Fed. R. Civ. P. 56. [Doc. No. 267]. At this juncture, the remaining defendants are P. Turner, R. Ekdahl, and W. Jondreau..

The motion was referred to United States Magistrate Judge Timothy P. Greeley for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and W.D. Mich. LCivR 72.1. On November 14, 2006, the Magistrate Judge submitted his report and recommendation. [Doc. No. 276]. It is recommended that the motion be denied for two reasons. The motion is not timely filed and there are genuine issues of material fact in dispute which preclude summary judgment under Fed. R. Civ. P. 56.

Plaintiff objects to the report and recommendation. [Doc. No. 279]. After reviewing the record *de novo*, the Court concludes that the plaintiff's objection is without merit and it is **DENIED**. The Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. §

636(b)(1), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.3(b). Accordingly, the plaintiff's motion for summary judgment [Doc. No. 267] is **DENIED**.

SO ORDERED.

Dated: December 11, 2006.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE